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May 23, 2008

The Honorable Joseph J. Farnan, Jr.
United States District Judge
District of Delaware
844 King Street
Wilmington, DE 19801

Re: ICU Medical, Inc. v. RyMed Technologies, Inc.
Case No. 07-468 (JJF)

Dear Judge Farnan:

I represent defendant RyMed Technologies, Inc. ("RyMed") Mr. Horwitz represents plaintiff ICU Medical, Inc. ("ICU"). I am responding briefly to Mr. Horwitz's letters of yesterday (D.I. 40) and today (D.I. 42).

Mr. Horwitz's letters did not fully inform the Court that the parties have been in frequent contact on the matter of scheduling. In fact, as of Mr. Horwitz's letter of yesterday, the parties were expressly awaiting Judge Pfaelzer's decision on ICU's motions to dismiss and transfer. Judge Pfaelzer issued her decision yesterday, after Mr. Horwitz's letter. As RyMed has told ICU repeatedly, what Judge Pfaelzer did would have an effect on the schedule in Delaware.

Now that the scope of what will be tried here in Delaware is clear, RyMed can meaningfully discuss scheduling with ICU. Our hope is to be able to submit an agreed schedule, but even if we are not able to agree we can narrow our areas of disagreement. We ask the Court's indulgence to allow us to do that and to respond more fully to ICU's scheduling proposal not later than next Friday, May 30, 2008.

Respectfully submitted,



Richard D. Kirk (rk0922)

RDK/tn

cc: Counsel as shown on the attached certificate

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on May 23, 2008, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Richard L. Horwitz, Esquire
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The undersigned counsel further certifies that, on May 23, 2008, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

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/s/ Richard D. Kirk (rk0922)
Richard D. Kirk